

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :  
: :  
-v- : 16-CR-387-2 (JMF)  
: :  
WILLIAM ROBLES, :  
: : ORDER  
: :  
Defendant. :  
: :  
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JESSE M. FURMAN, United States District Judge:

On May 29, 2020, the Clerk docketed a motion filed by Defendant William Robles, proceeding *pro se*, seeking compassionate release. *See* ECF No. 410. Robles appears to concede that he has not yet exhausted his administrative remedies. Instead, he argues that exhaustion should not be required under the current circumstances.

This Court has held that it lacks authority to disregard the administrative exhaustion requirement in Section 3582(c)(1)(A)(i), absent waiver of the requirement by the Government. *See United States v. Roberts*, No. 18-CR-528-5 (JMF), 2020 WL 1700032, at \*2-3 (S.D.N.Y. Apr. 8, 2020). Accordingly, no later than **June 5, 2020**, the Government shall file a letter indicating whether it agrees to waive the exhaustion requirement in this case. If it does not waive the requirement, the motion will be denied without prejudice to renewal after Robles has exhausted his administrative remedies. If the Government does waive the requirement, the Government shall file any opposition to Robles's motion by **June 12, 2020**, and Robles shall file any reply by **June 16, 2020**.

In the meantime, the Court concludes that it is appropriate to appoint counsel for Robles pursuant to the Criminal Justice Act — assuming, that is, he qualifies for appointed counsel. Subject to completion of a CJA-23 Form demonstrating that Robles qualifies for appointment of counsel, therefore, Arthur Kenneth Womble, the CJA lawyer on duty today, is hereby appointed to handle Robles's motion (and any other application relating to COVID-19). Mr. Womble shall immediately contact Robles, to confirm that he has no objection to appointment of counsel and to complete and file a CJA-23 form.

SO ORDERED.

Dated: June 1, 2020  
New York, New York



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JESSE M. FURMAN  
United States District Judge